

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**ANTWOINE D. ESTERS**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 2:20-cv-170-TBM-BWR**

**BURL CAIN**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on submission of the Report and Recommendation [12] entered by United States Magistrate Judge Bradley W. Rath on April 5, 2023. Judge Rath recommends that the Plaintiff's Petition for Writ of Habeas Corpus [1] pursuant to 28 U.S.C. § 2254 be dismissed with prejudice and denying Esters' request for an evidentiary hearing. Esters has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.


"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); see *Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Rath's Report and Recommendation, the Court finds neither is clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [12] entered by United States Magistrate Judge Bradley W. Rath on April 5, 2023, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that Esters' request for an evidentiary hearing is DENIED.

IT IS FURTHER ORDERED AND ADJUDGED the Esters' claims are DISMISSED WITH PREJUDICE.

THIS, the 28th day of June, 2023.

  
TAYLOR B. McNEEL  
UNITED STATES DISTRICT JUDGE